

CHAPTER 2

DESIGNATING THE RECORD

After filing the *Notice of Appeal*, the appellant needs to designate the record. That means picking out which documents in the trial court record you want the justices to see when they are reviewing your case and deciding your appeal. The **record** in an appeal is the official account of what went on at the hearing or trial that is being appealed. A party designates the record by listing what items to include in a *Notice Designating Record on Appeal* ([Sample Form F](#)). This notice must be served and filed at the superior court within 10 days of the filing of the *Notice of Appeal* (CRC rules [8.121\(a\)](#)). A record is required in every case. Because the short time period between the filing of the *Notice of Appeal* and the *Notice Designating Record on Appeal*, **appellants often file both documents at the same time**. However, the Court does not require that they be filed simultaneously.

The record may consist of two parts:

1. A clerk's transcript (CRC rule [8.122](#)), and
2. A reporter's transcript (CRC rule [8.130](#)).

The **clerk's transcript** can include anything that is in the superior court file—the papers that were filed, the orders that were made, the things that were done. A clerk's transcript is prepared by the superior court based on what you listed in the *Notice Designating the Record on Appeal*. Or instead of having the superior court prepare a clerk's transcript, you or you and the opposing party may prepare and file a CRC rule 8.124 appendix (discussed later). But either a clerk's transcript or a CRC rule 8.124 appendix is required in all cases.

The **reporter's transcript** is a word-for-word record of everything that was said in court during the hearings or trial. It is taken down by a certified court reporter, who then types it out (transcribes it) for the appeal. A reporter's transcript is optional, and you are not required to include a transcript of the entire trial or every hearing.

With very few exceptions, the appellant must pay the fees for the preparation of both the clerk's transcript (unless they elect to produce an 8.124 appendix) and the reporter's transcript.

When you file the *Notice Designating Record on Appeal*, you will need to make a decision about what type of record you would like. There are four options spelled out on the first page of the designation form. You must choose one (see [Sample Form F](#)):

1. 8.124 Appendix only; no Reporter's Transcript,
2. 8.124 Appendix and Reporter's Transcript,
3. Clerk's Transcript only; no Reporter's Transcript, and
4. Clerk's Transcript and Reporter's Transcript.

The record is an extremely important part of an appeal. Think of the record as a package that contains all of the information that the justices might need to know about what happened in the trial court in order to review the case. You can only put into the package those items (filings, transcripts, orders, motions, minutes, etc.) that were part of the trial court proceedings. Furthermore, when writing your brief and conducting oral argument, you can only refer to parts of the trial court proceedings that are included in the package. The contents of the record limit the scope of issues and information that the parties can use in their arguments and that the Court of Appeal will consider as it reviews the case. Anything in the record can be examined and considered. For the purpose of appellate review, any parts of the superior court trial that are not included in the record *do not exist*, will not be examined or considered by the Court, and cannot be used by either party to support their case.

What you choose to include will depend on the issues that you are appealing. The appellant needs to think about the trial, what rulings may have been legally wrong, and what part of the record will best tell the Court of Appeal why these rulings were legally wrong. These are the items the appellant should put into the package and designate for the record.

The following section will tell you how to designate the record.

Preparing the Clerk's Transcript/CRC Rule 8.124 Appendix

In all appeals, the Court requires either a clerk's transcript or a Rule 8.124 appendix. These contain the same material and serve the same purpose: to provide the court with the procedural history of the hearing or trial that is being appealed. Both are "books" that contain the papers that were filed in the trial court in

chronological order. The major difference between the two is that the clerk's transcript is prepared by the superior court while the 8.124 appendix is either prepared jointly by the appellant and respondent or by either of the parties individually. Additionally, the appellant must pay for the preparation of the clerk's transcript; the only cost associated with preparing an 8.124 appendix is the expense of photocopying and binding the relevant documents. With these differences in mind, the clerk's transcript and 8.124 appendix will be discussed separately.

Clerk's Transcript

In order to have the clerk's transcript prepared, the appellant must properly complete pages 1 and 2 of the *Notice Designating Record on Appeal*. This involves checking a box on page 1 indicating that the appellant would like to proceed with a clerk's transcript, and then, on page 2, listing all of the documents that the appellant would like included in the clerk's transcript ([Sample Form F](#)). Within 10 days of the filing of the *Notice of Appeal*, the appellant must serve and file the completed *Notice Designating Record on Appeal* at the superior court. The superior court, not the Court of Appeal, prepares the record.

The clerk's transcript automatically includes (CRC rule [8.122\(b\)](#)):

- The *Notice of Appeal*,
- The judgment or order being appealed and any notice of entry,
- Any notice of intention to move for new trial, to vacate the judgment, for judgment notwithstanding the verdict, or for motion for reconsideration,
- Any notices or stipulations to prepare the clerk's or reporter's transcripts or to proceed by agreed or settled statement, and
- The register of actions, if any.

You must specifically designate any other document you want included. Ordinarily this means you will have to go to the clerk's office at the superior court to look at the entire file for your case. That's the only way you will be able to pick the documents you want to include in the clerk's transcript and also know the names of those documents, the dates they were filed, etc. To designate a document, list the date of the filing or lodging of a document and its exact title. If the date on which the document was filed is unknown, use the date the document was signed. The appellant does not have to individually designate each jury instruction or minute order. You can list "all" jury instructions and "all" minutes.

All exhibits, whether admitted into evidence or refused, are considered part of the clerk's transcript. If some or all of the exhibits are needed in the appeal, the ones to be used are designated, and most often transmitted to the court under CRC rule 8.224, after the respondent's brief is filed. However, if a party wants one or more of the exhibits copied and put in the clerk's transcript to be available while the briefs are being written, the exhibits to be included must be noted by number or letter in the *Notice Designating Record on Appeal*.

Within 10 days after service of appellant's designation, the respondent may provide a list of additional items to be included in the clerk's transcript. (CRC rule 8.122(a)(2).) This list must also be specific as to the title of each document and the date it was filed.

Clerk's Fees

After the respondent's designation is filed, or the time to file has passed, the superior court appeals clerk locates the documents that have been designated and determines the cost of preparing the clerk's transcript. The cost of a clerk's transcript depends on how many pages there are. The superior court charges a copying fee based on the number of pages designated, and a volume fee based on the number of volumes in the clerk's transcript. The superior court appeals clerk then notifies the parties of the estimated cost of the clerk's transcript and, upon payment by the appellant, begins to prepare it. Unless the court waives appellant's \$100 deposit (which was paid at the time of the filing of the *Notice of Appeal*), that money is put toward the cost of the clerk's transcript. If the total cost is more than \$100, the superior court sends a notice of the remaining amount that is due. A person who is unable to pay for the clerk's transcript can file with the superior court an application for a waiver of the clerk's transcript fees. (CRC rule 8.122(c)(3).) (Sample Forms D and E.) **The appellant pays the entire cost for preparation of the original clerk's transcript and one copy, even when the respondent has designated items to be included.**

The respondent does not automatically get a copy of the record. If he or she wants a copy of the clerk's and/or reporter's transcript, the request must be made promptly. The superior court appeals clerk will provide the respondent with an estimate of the cost to prepare the clerk's transcript. (CRC rule 8.122(c).) The respondent has 10 days to pay.

If the respondent does not wish to have to pay for his or her own copy, he or she may borrow the appellant's copy after notifying the appellant no more than 20 days after the record is filed in the Court of Appeal. The record is lent to the

respondent when the appellant's opening brief is served, and returned to appellant when the respondent's brief is served. (CRC rule [8.153](#).)

If fees are not paid, the superior court sends a *Notice of Default* telling the appellant to pay within 15 days or the appeal may be dismissed. (CRC rule [8.140\(a\)](#).) If the fees are not paid within 15 days after that *Notice of Default* is sent, the superior court sends a *Notice of Failure to Clear Default* to all parties and to the Court of Appeal. The Court of Appeal then dismisses the appeal.

Once the designation has been made and the fees paid, the appeals division of the superior court will prepare the clerk's transcript. The papers you designated on your *Notice Designating Record on Appeal* are arranged chronologically in the order in which they were filed in the superior court, beginning with the first papers filed in the case and ending with the last papers filed in the case. After the papers are arranged in order, they are numbered in sequence. The clerk prepares two indexes and inserts them at the beginning of the transcript. One index lists the papers in the order they were filed, and the second index lists the papers in alphabetical order by the first letter of the first word in the title of the document. Each index includes the page numbers and, if there is more than one volume, the volume number where the papers can be found in the transcript. A cover is prepared, and everything is then bound in book form.

Within 30 days after the appellant deposits money for costs or the court files an order waiving costs, the clerk's transcript should be ready. The superior court clerk should then send a copy of the transcript to the Court of Appeal and the appellant. But in practice, the clerk usually sends a copy to the court and notifies the parties that the clerk's transcripts and the reporter's transcripts (if requested) are complete. The notice tells the appellant and any other party who paid for a copy of the record to pick up their transcripts from the clerk's office. (CRC rules [8.122\(d\)](#), [8.150\(a\)](#).)

8.124 Appendix

Any party may elect to proceed by an appendix. In order to proceed by an 8.124 **appendix**, within 10 days of filing the *Notice of Appeal*, the appellant must serve and file his or her intention to proceed under CRC rule [8.124](#), along with a Proof of Service on all parties. The appellant gives notice of his or her intention by checking a box on the first page of the *Notice Designating Record on Appeal* form ([Sample Form F](#)).

For detailed directions on how to construct an 8.124 appendix, see [Appendix 5](#) of this manual.

If the appellant opts for a clerk's transcript, but the respondent would prefer an 8.124 appendix, the respondent may file an election to proceed with an appendix within 10 days of the filing of the notice of appeal and, if timely, this election will govern the record preparation, and the parties must proceed with an appendix. However, if the appellant would prefer a clerk's transcript, the appellant must challenge the election of an 8.124 appendix by filing a written motion in superior court. The motion must be filed within 10 days after the *Notice Designating Record on Appeal* is served and filed. (CRC rule 8.124(a)(1).)

If the parties ultimately decide to proceed by appendix, two different scenarios can occur – a joint appendix or a separate appendix from each party.

The simplest and most desirable is if the two parties agree to file a **joint appendix**. This means that the parties cooperate together to produce and jointly file one appendix that follows the rules laid out in CRC rule 8.124(b) and contains all of the documents necessary for the case. The Court prefers this type of appendix.

If the parties cannot cooperate to create an appendix, each side must prepare their own appendix, meaning the appellant files an **appellant's appendix**, the respondent files a **respondent's appendix**, and if necessary, the appellant files an **appellant's reply appendix**. In either case, the joint or appellant's appendix must be served on the respondent(s) and filed with the court at the same time as the appellant's opening brief. A respondent's appendix, if any, must be served on the appellants and filed with the court at the same time as the respondent's brief. An appellant's reply appendix, if any, must be served on the respondent and filed with the court at the same time as the appellant's reply brief. For information on the timing for the filing of the briefs, see [Chapter 4](#).

In filing an appendix you are certifying that the papers included are true and that correct copies of the documents are filed or lodged with the superior court. (CRC rule 8.124(d), (g).)

All exhibits admitted in evidence or rejected are considered as part of the appendix even if they are not physically included in the bound volumes. (CRC rule 8.124(b)(4).) They can later be lodged with the Court of Appeal by transmitting them under CRC rule 8.224.

From a financial perspective, the advantage of an appendix is that it only costs the appellant or both parties the expense and time of photocopying the relevant documents and binding.

Reporter's Transcript

The reporter's transcript is a word-for-word typewritten record of everything that was said in court during the trial or hearing. It is an optional part of the record on appeal. The appellant should consider requesting a reporter's transcript if what was said at the trial or hearing relates to the issues the appellant wants to talk about on appeal. If what was said at the trial or hearing has nothing to do with the issues for the appeal and the appellant does not want it typed up, the appellant does not need to request a reporter's transcript. **If you choose to go on without a reporter's transcript, be sure that you will not need any part of it to make your case. Without the reporter's transcript, you will not be able to refer to or use anything that was said during the trial to support your argument.**

As discussed in the section on the clerk's transcript, within 10 days of the filing of the Notice of Appeal, you must serve and file a *Notice Designating Record on Appeal* ([Sample Form F](#)) with the appeals section of the superior court. On page 1, the appellant must indicate whether he or she wants a reporter's transcript by checking the proper box. *If the appellant does not ask for a reporter's transcript, the respondent may not ask for one, either.* (CRC rule [8.130\(a\)\(4\)](#).)

If you choose to proceed without a reporter's transcript, you can skip the rest of this section.

If you do elect to have a reporter's transcript prepared, you must make a list of each day that is to be typed up (transcribed). The list must include the date, the reporter's name, department (that the trial or hearing was in that day), and the nature of the proceedings. This information can be found in the minutes located in the superior court file. Page 3 of the form *Notice Designating Record on Appeal* ([Sample Form F](#)) may be used for this purpose. This list must be filed with the superior court. If only a portion of a witness's testimony is needed, the opposing parties (respondent(s)) must agree, or stipulate to that, and the stipulation must be filed with the superior court.⁴ If you choose to include this limited part of a witness's testimony, you must set out the issues that you intend to raise on appeal. (CRC rule [8.130\(a\)\(2\)](#).)

⁴ A stipulation is a written agreement between the parties about something they are going to do. In this context, it is an agreement that only parts of the testimony will be considered in the appeal. It is signed by all counsel and self-represented parties. If you want or need a stipulation, call or write counsel or a self-represented party and ask whether he or she is willing to agree to what you propose. If he or she is agreeable, prepare a written statement that "The parties agree (stipulate) to. . . ." setting out what has been agreed to. Add a separate signature line for each counsel or self-represented party to sign, with the person's name typed under the signature line and a place for the date on which the document was signed.

Reporter's Fees

At the same time that the *Notice Designating Record on Appeal* is filed, the appellant must also include a deposit for reporter's fees. The cost of the reporter's transcript depends on how many days or hours the reporter is asked to transcribe. Reporter's transcripts are expensive. You can ask the reporter for an estimate in advance or, you may calculate the deposit yourself. The rate is \$650 per day for each day in which there were more than three hours of proceedings, and \$325 per day for each day in which there were less than three hours of proceedings. For example, a transcript with 4 days with more than three hours of proceedings and 2 days with less than three hours of proceedings would cost \$3250 ($\$650 \times 4 + \$325 \times 2 = \3250).

If the appellant does not have sufficient funds to cover the deposit, there are a few options. First, the appellant can ask for a waiver of deposit from the reporter(s) themselves. Please note that a waiver of deposit is merely that. It waives only the need for the deposit, not the cost of the reporter's transcript. This means the appellant will need to pay the reporter's fees sometime in the future. If the reporter(s) grants the waiver, the appellant must provide a copy of the waiver at the time the appellant files the *Notice Designating Record on Appeal*.

The Court of Appeal has the power only to waive its own filing fee of \$655 and cannot waive the reporter's fees.

If the appellant has already had some or all of the proceedings transcribed, a certified copy of that transcript can be substituted for the reporter's transcript and the deposit is not necessary. The transcript(s) must comply with CRC rule 8.144. The appellant should be sure to keep a copy of this transcript for writing the brief.

The *Notice Designating Record on Appeal* must be filed with either a money deposit for the cost of the transcript, a signed waiver of deposit, or a certified copy of the transcript.

If, after being served with the appellant's *Notice Designating Record on Appeal*, the respondent wishes to designate additional parts of the transcript, a respondent's designation or *Notice Designating Record on Appeal* must be served and filed with the superior court within 10 days of the service of the appellant's designation. (CRC rule 8.130(a)(3).)

After the time limit for the respondent to designate additional items has passed, it generally takes 30 to 60 days for the transcript to be completed. The Court of Appeal may grant extensions of time for the reporter if he or she is unable to complete the transcript on time. (CRC rule [8.130\(f\)\(1\)](#).)

Record Problems

If you fail to properly designate the record by not filing a *Notice Designating Record on Appeal* or if you have not paid the costs of the clerk's and/or reporter's transcript, or if you have failed to correct the designation of the record after notice was sent to you by the superior court, you will be sent a *Notice of Default*. A party has 15 days from the date of the notice to cure the problem. If the problems to be fixed are still not cured after the 15 days, the superior court sends a *Notice of Failure to Clear Default* to all parties and to the Court of Appeal. If the appellant is the party who has not complied with the rules, the Court of Appeal may dismiss the appeal; if the respondent is the party that has not complied on time, the appeal may go forward on the appellant's record alone. (CRC rule [8.140\(b\)\(2\)](#).)

If either party discovers that something is missing from the record after the record has been filed, there are ways to fix the problem. If the clerk or reporter left out a required or requested item, a *Notice of Correction* must be filed in the superior court and served on all parties. (CRC rule [8.155\(b\)](#).) If the item was not listed in the designation of record, a motion to augment will be needed. (See [Chapter 6](#).)

When filing the *Designation of the Record on Appeal* in Los Angeles County, the Court strongly suggests that you make those filings at the appeals section of the Superior Court, Room #111, at 111 North Hill Street, in Los Angeles. However, the court will accept the *Designation of the Record on Appeal* at any superior court clerk's office. Information on the various superior court locations in Second District can be found in [Appendix 3](#).

CITING YOUR SOURCES OF INFORMATION

Every statement of law in your brief must be supported by a citation to a case, statute, rule, constitutional provision, treatise, law review article or other source that supports the statement you are making. The citation is usually contained in parentheses at the end of the sentence. (See [Sample Form K](#).) For example, your brief might state: "The elements of a cause of action for negligence are: duty, breach of duty, legal cause, and damages. (*Friedman v. Merck & Co.* (2003) 107 Cal.App.4th 454, 463.)"

The California Style Manual is the manual followed by California courts for citation form. You can find the California Style Manual in any law library. However, if you follow the general guidelines in this Appendix, you will probably not need to consult the California Style Manual. The court is mainly interested in finding out where you got the information you have included in the brief. Your brief will be accepted as long as the citations are clear enough to identify your reference sources.

Here are some simple guidelines for proper citation form:

CASES:

You should include the name of the case you are citing, the year it was decided, the volume and page number of the official reporter where the case appears, and the page number in the case that specifically supports the proposition of law you are stating. For example, a California Supreme Court case would be cited as follows: *Intel Corp. v. Hamidi* (2003) 30 Cal.4th 1342, 1351. The "30 Cal.4th" refers to volume 30 of the fourth series of Official California Reports, which is the official reporter for California Supreme Court opinions. The "1342" refers to the page in volume 30 where the case starts. The "1351" is the page number of the case you are referring to in your brief. Similarly, a California Court of Appeal case would be cited as follows: *Albertson's, Inc. v. Young* (2003) 107 Cal.App.4th 106, 113. The "107 Cal.App.4th" refers to volume 107 of the fourth series of Official California Appellate Reports, which is the official reporter for California Court of Appeal opinions.

Federal court citations follow the same general format. United States Supreme Court cases can be found in three separate reporters: the United States Supreme Court Reporter (abbreviated U.S.), the Supreme Court Reporter (abbreviated S.Ct.), or the Lawyer's Edition Reporter (abbreviated L.Ed.). You may cite to any of these reporters. For example: *Montana v. United States* (1981) 450 U.S. 544, 551. For other federal courts, your citation should identify which

federal circuit or district court decided the case. Federal circuit court cases are cited as follows: *Clicks Billiards, Inc. v. Sixshooters, Inc.* (9th Cir. 2001) 251 F.3d 1252, 1257. "9th Cir." indicates that the case was decided by the Ninth Circuit Court of Appeals, and "F.3d" refers to the third series of the Federal Reporter. Federal district court cases are cited as follows: *Plute v. Roadway Package System, Inc.* (N.D. Cal. 2001) 141 F.Supp.2d 1005, 1010. "N.D.Cal." indicates that the case was decided by the United States District Court for the Northern District of California, and "F.Supp.2d" refers to the second series of the Federal Supplement Reporter.

For cases from other states, you will need to cite to the National Reporter System regional reporter or the state's official reporter. Identify which state court decided the case in your citation. Here is an example: *In re Gatti* (Ore. 2000) 8 P.3d 966, 972-973. "P.3d" refers to the third series of the Pacific regional reporter. Here is another example: *Fischer v. Governor* (N.H. 2000) 749 A.2d 321, 326. "A.2d" refers to the second series of the Atlantic regional reporter.

STATUTES:

For a California statute, give the name of the code and the section number. For example, "Code of Civil Procedure, section 1011" or "Family Code, section 3461." For a federal statute, cite to the United States Code (abbreviated U.S.C.). For example, "28 U.S.C. section 351."

RULES:

For rules, identify the body of rules you are citing and the specific rule number. For example, "Cal. Rules of Professional Conduct, rule 3-500" or "Cal. Rules of Court, rule 8.220(a)."

CONSTITUTIONS:

For constitutions, identify whether you are referring to California or United States Constitution and refer to the specific constitutional provision you are relying on. For example, "California Constitution, article IX, section 2" or "United States Constitution, Fourteenth Amendment."

TREATISES:

For legal treatises, you should indicate the volume number of the treatise you are citing (if it has more than one volume), the author of the treatise, the title, edition and year, and the section and page number that supports the proposition of law you are stating. For example, "5 Witkin, Summary of California Law (9th ed. 1988) Torts, § 607, p. 706." This is a citation to volume 5 of a treatise by author

Witkin entitled Summary of California Law, and the specific portion of the treatise cited is section 607 of the Torts chapter on page 706.

LAW REVIEWS AND JOURNALS:

For law review or journal articles, you should identify the author, title of the article, year it was printed, name of the law review or journal, volume and page number, and the specific page number of the article you are citing to. For example: Volokh, *The Mechanics of the Slippery Slope* (2003) 116 Harv. L.Rev. 1026, 1033. The abbreviation "Harv. L.Rev." stands for Harvard Law Review, and this article appears in volume 116 of the Harvard Law Review at page 1026. If you do not know the proper abbreviation, you may spell out the entire journal name in your citation.

OTHER SOURCES:

If you are citing any other source, do your best to identify the source as accurately as possible, so that someone reading your brief could easily find it and look it up. As a general rule, you should identify the author, title, year, volume,

PREPARING AN APPENDIX

Make copies of the documents that are related to the appeal. You cannot include any documents that were not part of the superior court proceedings. Photocopy on one side only, on recycled paper.

The appendix must include the following items:

- A chronological index of all of the items in the appendix ([Sample Form H](#)).
- An alphabetical index of all of the items in the appendix ([Sample Form I](#)).
- All documents necessary for the consideration of issues in the appeal.
- The judgment or order being appealed and any notice of its entry, any notice of intention to move for a new trial; any motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration and the rulings thereon; and any order on such motion and any notice of its entry.
- The *Notice of Appeal*
- The notice to prepare the clerk's and reporter's transcripts, or the settled statement, or *Notice Designating Record on Appeal* form
- Any notice of election to proceed by an appendix under CRC rule 8.124 and, for a joint appendix, the stipulation designating its contents
- Any stipulation to proceed by agreed statement under CRC rule 8.134, along with the agreed statement; and any settled statement approved by the court under CRC rule 8.137.

Arrange the documents in the order in which they were filed in the superior court (chronologically), and number the pages one after the other, beginning with page 1.

Make a chronological index of all documents by listing them in the order filed, with the first page number for each document and, if there is more than one volume, the volume number. ([Sample Form H](#).)

Make an alphabetical index of all the documents by listing them in alphabetical order, with the first page number of each document and, if there is more than one volume, the volume number. ([Sample Form I](#).)

Prepare a cover ([Sample Form G](#)). The cover should state the case title and superior court case number, the Court of Appeal number, the name of each of the participating Superior court judges, the names and addresses of appellate counsel for each party or any self-represented party, the volume number, and the inclusive page numbers (for example, 1-246) of that volume.

The cover should be the appropriate color:

Appellant's Appendix – Green

Respondent's Appendix – Yellow

Appellant's Reply Appendix - Tan

Joint Appendix – Cream(CRC rules 8.124(c), 8.144(a), (b), (c).)

Put the materials together: cover, chronological index, alphabetical index, and documents in chronological order.

Make the necessary number of copies (one for each party, the original for the court, and one for yourself), and bind the original and each of the copies into transcript (book) form. The appendix should be bound on the left side, in volumes of 300 pages or less. (CRC rules 8.124(c), 8.144(c)(1).) The appendix may not be bound with the brief.

SAMPLE FORM D

REQUEST TO WAIVE COURT FEES

When you file your *Notice of Appeal*, there is a filing fee of \$655.00, which is due at the time of filing. A deposit of \$100.00 needs to be paid at the same time to the Superior Court if you want them to prepare a Clerk's Transcript for you. If you feel you cannot afford these fees, you may fill out a *Request to Waive Court Fees*.

Generally, you would file the request in the Superior Court when you file your *Notice of Appeal*. If you did not file the request in the Superior Court, you may file it in the Court of Appeal. **[Note: The Court of Appeal can only waive the Court of Appeal filing fee of \$655.00.]** Submit the request to the court and, if you are requesting a waiver of fees for the Superior Court and the Court of Appeal, submit the *Order on Court Fee Waiver (Superior Court)*. If you are requesting a waiver of Court of Appeal fees only, submit the request and the *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* ([Sample Form E](#)).

The *Request to Waive Court Fees* form (FW-001), the *Information Sheet on Waiver of Superior Court Fees and Costs* (FW-001-INFO) and the *Information Sheet on Waiver of Appellate Court Fees* (APP-015/FW-015-INFO) are available online in Adobe Acrobat PDF format and the *Request to Waiver Court Fees* form may be filled out electronically for free at www.courts.ca.gov/2dca Click Forms & Rules, then click Request to Waive Court Fees (FW-001).

Filling out the form:

In the box to the right, under the CONFIDENTIAL box, specify the court name and address where you are filing the request.

In the box below the court address, enter the case number.

In the box below the case number, enter the case name.

1. Fill in your name, mailing address and telephone number where you can be reached during the day.
2. Fill in your job title (if you have one), name of your employer and your employer's address.
3. Fill in your lawyer's name (if you have one), address, telephone number and State Bar number.
4. Check the appropriate box as to which court fees you are requesting a waiver for. Both boxes can be checked.
5. Check:
 - a. If you receive any assistance from any programs listed. Check all the boxes that apply.

SAMPLE FORM D

SAMPLE FORM D

- b. If you receive an income and it falls within the ranges listed in the table. Then continue to page 2 and complete 7., 8. and 9.
 - c. If you do not make enough to pay your basic needs and court fees. Check the appropriate box as to your request. If you check c. you must complete page 2 of the request.
6. Check if you have requested a waiver of court fees in the last six months. Attach a copy to your request.

Page 2:

At the top of the page, type or write your name and specify the case number in the box to the right.

- 7. Check if your income changes on a monthly basis.
- 8. Enter your monthly income then enter the total on line e.
- 9. Enter your Household Income then enter the total on line b. Then total 8e and 9b and enter the amount on the next line.
- 10. Enter your money and property value.
- 11. Enter your monthly expenses. Then enter the total for lines a. – m. at the bottom.

At the bottom of page 1, write the current date, type or print your name legibly and sign the form.

SAMPLE FORM D

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES (SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called "waiving" these fees).

Who can get their court fees waived?

The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal, Food Stamps, SSI or SSP, County Relief/General Assistance, IHSS (In-Home Supportive Services), CalWORKS, Tribal Temporary Assistance for Needy Families, or CAPI (Cash Assistance Program for Aged, Blind, and Disabled).
- **You have a low income level.** Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,128.13	3	\$1,907.30	5	\$2,686.46
2	\$1,517.71	4	\$2,296.88	6	\$3,076.05

If more than 6 people at home, add \$389.59 for each extra person.

- **You do not have enough income to pay for your household's basic needs and your court fees.**

What fees and costs will the court waive?

If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, or a petition for review and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk's transcript.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. If you are represented by a lawyer in your appeal, a special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See Business and Professions Code sections 8030.2 and following for more information about this fund.) However, there is no financial help available for parties who are not represented by lawyers. If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), your fee for filing a notice of appeal and your costs for the clerk's transcript are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

**INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES
(SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)**

- **Writ Proceeding in Limited Civil Case** (civil case in which the amount of money claimed is \$25,000 or less). If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **Appeal in Other Civil Cases.** If you are the appellant (the party who is appealing) in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; your costs for the clerk's transcript are already waived, just give the court a copy of your current fee waiver). The completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent (a party other than the appellant in a case that is being appealed) and the trial court already issued an order waiving your court fees *and that fee waiver has not ended*, your costs for the clerk's transcript are already waived; just give the trial court a copy of your current fee waiver. If you have not already received a fee waiver in the case or you had a fee waiver but it ended, to request waiver of the fee for a copy of the clerk's transcript, you must complete a *Request to Waive Court Fees* (form FW-001) and file it in the trial court with your request for a copy of the transcript. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). The completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office.
- **Petition for Review.** If you want to request that the Supreme Court waive the fee for filing a petition for review, you must complete a *Request to Waive Court Fees* (form FW-001). You should submit the completed form with your petition for review.

For more information about appeals and writ proceedings, see *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO), *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001), and *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO).

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

SAMPLE FORM D

FW-001-INFO

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, or if you are filing or have received a family law petition, and if you cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may ask the court to waive all or part of your court fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fees for telephone hearings
 - Reporter's daily fee (*for up to 60 days after the grant of the fee waiver, at the court-approved daily rate*)
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal.
 - Giving notice and certificates
 - Sending papers to another court department
 - Having a court-appointed interpreter in small claims court
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Reporter's daily fees (*beyond the 60-day period after the grant of the fee waiver, at the court-approved daily rate*)
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
 - Other necessary court fees
3. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Please answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court within five days if your finances improve or if you become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) with the court.) You may be ordered to repay any amounts that were waived after your eligibility came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases. (Government Code, section 68637(d), (e).)
- **If you settle your civil case for \$10,000 or more:** Any trial court waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you are not eligible for a fee waiver.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time.

SAMPLE FORM D

FW-001 Request to Waive Court Fees**CONFIDENTIAL**

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☐ Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- ☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees and Costs* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. ☐ I receive (check all that apply): ☐ Medi-Cal ☐ Food Stamps ☐ SSI ☐ SSP ☐ County Relief/General Assistance ☐ IHSS (In-Home Supportive Services) ☐ CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) ☐ CAPI (Cash Assistance Program for Aged, Blind and Disabled)
- b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b you must fill out 7, 8 and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$389.59 for each extra person.
1	\$1,128.13	3	\$1,907.30	5	\$2,686.46	
2	\$1,517.71	4	\$2,296.88	6	\$3,076.05	

- c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): ☐ waive all court fees ☐ waive some of the court fees ☐ let me make payments over time (Explain): _____ (If you check 5c, you must fill out page 2.)

6 ☐ Check here if you asked the court to waive your court fees for this case in the last six months.(If your previous request is reasonably available, please attach it to this form and check here: ☐)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here

Case Number:

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$ _____
List each payroll deduction and amount below:
- | | |
|-----|----------|
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |
| (4) | \$ _____ |
- b. Total deductions (add 8a (1)-(4) above): \$ _____
- c. Total monthly take-home pay (8a minus 8b): \$ _____
- d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
- | | |
|-----|----------|
| (1) | \$ _____ |
| (2) | \$ _____ |
| (3) | \$ _____ |
| (4) | \$ _____ |
- e. Your total monthly income is (8c plus 8d): \$ _____

9 Household Income

- a. List all other persons living in your home and their income. Include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.
- | Name | Age | Relationship | Gross Monthly Income |
|-----------|-------|--------------|----------------------|
| (1) _____ | _____ | _____ | \$ _____ |
| (2) _____ | _____ | _____ | \$ _____ |
| (3) _____ | _____ | _____ | \$ _____ |
| (4) _____ | _____ | _____ | \$ _____ |
- b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8e plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash _____ \$ _____
- b. All financial accounts (List bank name and amount):
- | | |
|-----------|----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |
| (4) _____ | \$ _____ |
- c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How Much You Still Owe |
|-------------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- d. Real estate
- | Address | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- e. Other personal property (jewelry, furniture, furs, tools, bonds, etc.):
- | Describe | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |

11 Your Monthly Expenses

(Do not include payroll deductions you already listed in 8b.)

- a. Rent or house payment & maintenance \$ _____
- b. Food and household supplies \$ _____
- c. Utilities and telephone \$ _____
- d. Clothing \$ _____
- e. Laundry and cleaning \$ _____
- f. Medical and dental expenses \$ _____
- g. Insurance (life, health, accident, etc.) \$ _____
- h. School, child care \$ _____
- i. Child, spousal support (another marriage) \$ _____
- j. Transportation, gas, auto repair and insurance \$ _____
- k. Installment payments (list each below):
- | Paid to: | |
|-----------|----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |
- l. Wages/earnings withheld by court order \$ _____
- m. Any other monthly expenses (list each below):
- | Paid to: | How Much? |
|-----------|-----------|
| (1) _____ | \$ _____ |
| (2) _____ | \$ _____ |
| (3) _____ | \$ _____ |

Total monthly expenses (add 11a – 11m above): \$ _____

SAMPLE FORM E

ORDER ON COURT FEE WAIVER (SUPERIOR COURT) or (COURT OF APPEAL OR SUPREME COURT)

These forms are the orders from the court either granting or denying your request to waive fees. The court fills out most of the form (from 4 to the end). The only parts you will fill out are the caption and entries 1-3.

If you are requesting waiver of fees in both the Superior Court and the Court of Appeal:

submit the *Order on Court Fee Waiver (Superior Court)* to the court along with your *Request to Waive Court Fees* form.

If you are requesting to waive fees in the Court of Appeal or Supreme Court:

submit the *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* along with the *Request to Waive Court Fees* form.

Both orders are available online in Adobe Acrobat PDF format and the form may be filled out electronically for free at www.courts.ca.gov/2dca. Click **Forms & Rules**, then click **Order on Court Fee Waiver (FW-016)**.

Filling out Form FW-003:

In the second box to the right, specify the Superior Court name and address where you are filing the request.

In the box below the court address, enter the case number.

In the box below the case number, enter the case name.

1. Fill in your name and mailing address.
2. Fill in your lawyer's name (if you have one), address, telephone number and State Bar number.
3. Fill in the date your *Request to Waive Court Fees* was filed. Check the box if the court ruled on a previous request.

From section 4. to the end will be completed by the court once a decision has been made.

Filling out Form APP-016/FW-016:

In the second box to the right, enter the Court of Appeal or Supreme Court case number. If you are entering the Court of Appeal case number, below the case number, enter the Court of Appeal division number.

SAMPLE FORM E

SAMPLE FORM E

1. Fill in your name, mailing address and telephone number where you can be reached during the day.
2. Fill in your lawyer's name (if you have one), address, telephone number and State Bar number.
3. Fill in the date your *Request to Waive Court Fees* was filed.

From section 4. to the end will be completed by the court once a decision has been made.

Order on Court Fee Waiver (Superior Court)

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):

3 A request to waive court fees was filed on (date):

☐ The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number and case name:

Case Number: _____

Case Name: _____

Read this form carefully. All checked boxes ☒ are court orders.

Notice: The court may order you to answer questions about your finances, and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your (check one): ☐ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees the court makes the following orders:

a. ☐ The court grants your request, as follows:

(1) ☐ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rule 3.55.) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearings

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Reporter's daily fees (beyond the 60-day period following the fee waiver order)
- ☐ Other (specify): _____
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness

(3) ☐ **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. (Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.) You do not have to pay for the checked items.

- ☐ Preparing and certifying clerk's transcript for appeal
- ☐ Other (specify): _____

Case Number: _____

Your name: _____

- b. ☐ The court **denies** your request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

- (2) ☐ The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

- ☐ Bring the following proof to support your request if reasonably available: _____

**Hearing
Date** →

Date: _____ Time: _____
Dept.: _____ Km.: _____

Name and address of court if different from page 1: _____

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): ☐ A certificate of mailing is attached.

☐ I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

Order on Court Fee Waiver (Court of Appeal or Supreme Court)

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:

Name: _____

Street address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Lawyer, if person in 1 has one: (Name, address, phone number, e-mail, and State Bar number):

3 On (date): _____ you filed a Request to Waive Court Fees (form FW-001).

4 The court reviewed your request and makes the following order:

- a. ☐ The court **grants** your request and waives your court fees and costs listed below. You do not have to pay fees for the following:

- Filing notice of appeal, petition for writ, or petition for review

☐ Other (specify): _____

- b. ☐ The court **denies** your request for the following reason:

- (1) ☐ Your request is incomplete. You have **10 days** from the date this notice was sent to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (specify incomplete items):

- (2) ☐ The information you provided in the request shows that you are not eligible for the fee waiver you requested (specify reasons):

You have **10 days** from the date this notice was sent to:

- Pay your fees and costs, or
- File more information that shows you are eligible.

- (3) ☐ The court finds there is substantial question regarding your eligibility (describe issue regarding eligibility):

You have **10 days** from the date this notice was sent to:

- Pay your fees and costs, or
- File the following additional documents to support your request:

Warning! If you miss the deadline for paying your fees and costs or providing the additional items required by the court and you are the appellant, your appeal may be dismissed.

Court of Appeal/
Supreme Court Case Name: _____

Court of Appeal/Supreme Court
Case Number: _____

- ④ c. ☐ The court needs more information. **You must go to court** on the date below.

**Hearing
Date**

→ Date: _____ Time: _____ Dept.: _____

Name and address of the court if different from page 1:

- ☐ Bring the following proof to support your request, if it is reasonably available:

Warning! If item ④ c. is checked and you do not go to court on your hearing date, the court will deny your request to waive court fees and you will have **10 days** to pay your fees. If you are the appellant and you do not pay your filing fees, your appeal may be dismissed.

Date: _____

Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy

SAMPLE FORM F

NOTICE DESIGNATING RECORD ON APPEAL - INSTRUCTIONS

After filing your notice of appeal you have 10 days to tell the Superior Court what you want in the record that will be sent to the Court of Appeal; this is called the Notice Designating Record on Appeal. On the next few pages is a form to assist you in designating the record. What you choose to include in your record depends on the issues you wish to raise on appeal. This notice is filed in the Superior Court.

The Notice Designating Record on Appeal is available online in Adobe Acrobat PDF format and may be filled out electronically for free at www.courts.ca.gov/2dca. Select Forms & Rules, then click Notice Designating Record (2DCA-03).

Filling out the Notice Designating Record on Appeal:

Caption

- (1) In the "Attorney or Party Without Attorney" area at the top of the form, fill out your name, mailing address, and telephone number where you can be reached during the day.
- (2) In the "Superior Court of California, County of" area of the form, specify the county, address, and branch name of the superior court that made the order or judgment you are appealing.
- (3) In the next box on the form marked "PLAINTIFF/PETITIONER" and "DEFENDANT/RESPONDENT" fill out the plaintiff's name and defendant's name as they appear in the superior court case caption.
- (4) In the "Superior Court Case Number" box to the right, write the superior court case number.
- (5) In the "RE: Appeal filed on (*date*)" box, write the date the Notice of Appeal was filed.
- (6) In the "Court of Appeal Case Number (*if known*)" box immediately to the right, write the Court of Appeal case number, if you have it.
- (7) Specify the name of the county after the entry "TO: Clerk of the Superior Court of California County of (*name of county*)"
- (8) After the line marked "NOTICE IS HEREBY GIVEN", check the appropriate box to indicate whether you are the appellant (the appealing party) or respondent (the responding party).

Page 1, Entries 1-4

Check only one of the four boxes in entries 1-4.

SAMPLE FORM F

Check box "1" if you plan to prepare your own transcript (appendix) under California Rules of Court, rule 8.124 instead of having the Superior Court prepare a clerk's transcript and you don't want a reporter's transcript. If you check this box, there is no need to fill out pages two or three. Date and sign the bottom of this form and you are done.

Check box "2" if you plan to prepare your own transcript (appendix) under California Rules of Court, rule 8.124 instead of having the Superior Court prepare a clerk's transcript and you also want a reporter's transcript. If you check this box be sure to fill out the reporter's transcript section on page three; you do not have to fill out page two.

Check box "3" if you want the Superior Court to prepare a clerk's transcript but you don't want a reporter's transcript. If you check this box be sure to fill out the clerk's transcript section on page two; you do not have to fill out page three.

Check box "4" if you want the Superior Court to prepare both the clerk's transcript and the reporter's transcript. If you check this box be sure to fill out the clerk's transcript section on page two and the reporter's transcript section on page three.

At the bottom of page 1, write the current date on the form, type or print your name legibly, and sign the form.

Page Two (Notice Designating Clerk's Transcript):

Fill out this page only if you checked box "3" or "4" on page one; if you checked box "1" or "2" you do not need to fill out this page. The first seven documents are filled in for you. You may designate anything that was in the Superior Court file as part of your record on appeal, choosing as few or as many documents as you wish. What you choose to include in your record depends on the issues you wish to raise on appeal. You will need to make a \$100.00 deposit with the Superior Court if you select this option.

Page Three (Notice Designating Reporter's Transcript):

Fill out this page only if you checked box "2" or "4" on page one; if you checked box "1" or "3" you do not need to fill out this page. A reporter's transcript is a word for word typewritten record of everything that was said in court during a trial or hearing. For each day you want transcribed, write the reporter's name, the department of the Superior Court you were in, the date and the nature of the proceeding. The reporter's transcript costs money. You can ask the reporter to give you an estimate of what it will cost in advance or you can pay \$650 per day for days where there were more than three hours to be transcribed or \$350 per day where there were less than three hours to be transcribed.

SAMPLE FORM F

Page Four (Proof of Service)

Have someone over the age of 18 who is not a party to the action serve the Notice Designating Record on Appeal and fill out the Proof of Service on page 4 of the form. See instructions accompanying [Sample Form C](#).

Due: 10 days after filing Notice of Appeal

File: Original with Superior Court
(Bring an extra copy to be file-stamped
for your file.)

Serve: Court Reporter (if reporter's transcript requested)
All counsel
All self-represented parties

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):		
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)		Superior Court Case Number:
RE: Appeal filed on (date):		Court of Appeal Case Number (if known):

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

TO: Clerk of the Superior Court of California, County of (name of county):

NOTICE IS HEREBY GIVEN that (name):

The ☐ Appellant ☐ Respondent in the above case elects to proceed with the following record on appeal:

(check only one)

1. ☐ (Appendix Only; no Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own transcript in lieu of a court-prepared clerk's transcript.
 - AND
 - b. elects to have no reporter's transcript. (Date and sign only.)
2. ☐ (Appendix and Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own transcript in lieu of a court-prepared clerk's transcript.
 - AND
 - b. elects a reporter's transcript as designated on page 3. (Fill out the reporter's transcript section on page 3.)
3. ☐ (Clerk's Transcript Only; no Reporter's Transcript)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2.)
 - AND
 - b. elects to have no reporter's transcript.
4. ☐ (Clerk's and Reporter's Transcripts)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2.)
 - AND
 - b. elects a reporter's transcript as designated on page 3. (Fill out the reporter's transcript section on page 3.)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

CASE NUMBER:

NOTICE DESIGNATING CLERK'S TRANSCRIPT

(Cal. Rules of Court, rule 8.122)

- A. It is requested that the following documents in the superior court file be included in the clerk's transcript (*give the specific title of each document, an accurate description, and the date of filing*):

Document Title and DescriptionDate of Filing

(NOTE: Items 1–7 are required to be a part of the clerk's transcript and will automatically be included.)

1. Notice of appeal
2. Notice designating record on appeal (*this document*)
3. Judgment or order appealed from
4. Notice of entry of judgment (*if any*)
5. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
6. Ruling on item 5
7. Register of actions (*if any*)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.

I understand that if I do not pay for this transcript or obtain a waiver of costs (rule 3.50 et seq.), it will not be prepared and, if for appellant, my appeal shall be dismissed.

- B. It is requested that the following EXHIBITS admitted into evidence or marked for identification be copied into clerk's transcript on appeal (*check only one box*):

1. ☐ All Exhibits
2. ☐ Specific Exhibits (*give the exhibit number [for example, Plaintiff's #1, Defendant's B, Respondent's A], a brief description, and admission status.*):

☐ See additional pages.

CASE NAME:

CASE NUMBER:

NOTICE DESIGNATING REPORTER'S TRANSCRIPT
(Cal. Rules of Court, rule 8.130)

Reporter's NameDept.DateNature of Proceedings

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

**I understand that if I do not pay for this transcript, it will not be prepared and,
if for appellant, my appeal shall be dismissed.**

☐

See additional pages.

CASE NAME:	CASE NUMBER:
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NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence or business address is *(specify)*:
3. I mailed or personally delivered a copy of the *Notice Designating Record on Appeal (Unlimited Civil Case)* as follows *(complete either a or b)*:
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing *(city and state)*:
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)